

Criminal Forfeiture Assets Policy

Purpose

The purpose of this policy is to provide a process and oversight of forfeiture assets received by the Town of Rockport from the state of Maine and the United States government. In accepting forfeiture assets, the Town shall comply with State and Federal forfeiture disposition restrictions. Assets may include real property, funds or personal property pursuant to 15 M.R.S.A. §5821 and federal law.

Authorization to accept funds or assets

Pursuant to 15 M.R.S.A. §§ 5821-27, the Select Board shall vote on the acceptance of any state or local forfeiture assets following a court decree or default judgment of forfeiture. The Police Chief shall provide to the Select Board a written recommendation on whether to accept or not accept transfer of the forfeited assets from the State to the Town of Rockport. If the Select Board votes to accept the funds, the Select Board shall designate these funds to be used for law enforcement purposes in accordance with provisions of this policy.

Pursuant to federal law, in order for the Town of Rockport to equitably share in any federally forfeited assets, the Police Chief shall execute (1) a Federal Equitable Sharing Agreement with the United States Department of Justice and Department of the Treasury and (2) a Federal Annual Certification Report related to the sharing of Asset Forfeiture funds, and present them to the Select Board for a vote of approval and signature. If approved, the law enforcement agency shall place these assets into a special restricted fund to be used for law enforcement purposes only in accordance with the statutes and guidelines that govern federal equitable sharing and as specified in the equitable sharing request.

Disposition of personal property

All personal property shall be sold; all funds realized shall be handled in accordance with the provisions of this policy. The manner of the sale of any personal property shall adhere to Town policy. If sale of the personal property is impracticable, the Town can otherwise dispose of it.

Disposition of real property

The Town Manager shall provide the Select Board a written recommendation as to the disposition of real property. The Select Board shall vote on the recommendation. Should real property be sold, any funds realized shall be handled in accordance with the provisions of this policy. The manner of the sale of any real property shall adhere to Town policy.

Cruiser purchase reserve account

All forfeiture funds received from state and local forfeitures shall be placed in the cruiser purchase reserve account. The total amount of money deposited into the cruiser purchase reserve account shall not exceed \$25,000 per fiscal year; any in excess of \$25,000 per fiscal year shall be attributed to the Police Department Forfeiture Revenue Line and lapse into the undesignated fund balance at the end of the fiscal year.

Expenditures from the cruiser purchase reserve account

It is the intent of this policy that the cruiser purchase reserve account be used as part of the annual budget process for the purchase of police vehicles. The budget shall reflect the offsetting revenue for vehicle purchase paid for totally or in part from this fund. Should all or a portion of the designated revenue off-set not be expended, the balance shall be returned to the fund at the end of the fiscal year.